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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KAPADIA, MILAN S

ART UNIT

PAPER NUMBER

2144

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/692,341

Applicant(s)

FRAZIER ET AL.

Examiner

Milan S Kapadia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the application filed 19 October 2000. Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aziz et al. (6,597,956) in view of Kakemizu (5,805,072).

(A) As per claim 1, Aziz teaches a method in a network computing system for managing a plurality of network managers in the network computing system, the method comprising:

receiving a n identification of a set of network managers within the plurality of network managers (Aziz; abstract and col. 14, lines 19-38);

allowing the set of network managers to participate in a master election to select a master network manager (Aziz; col. 15, line 66-col. 16, line 14);

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placing network managers other than the set of network managers in a dormant state (Aziz col. 3, lines 35-36); and electing the master network manager from the set of network managers through the master election, wherein other network managers within the number of network managers poll the master network manager to allow the other network managers to elect a new master network manager if the master network manager fails (Aziz; col. 16, lines 36-44).

Aziz fails to expressly teach wherein the network managers are subnet managers. However, this feature is old and well known in the art, as evidenced by Kakemizu's teachings with regards to the use of subnet managers (Kakemizu; col. 3, lines 19-55). It is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the system taught by Aziz with Kakemizu's teaching with regards to this limitation, with the motivation of enabling the efficient managing of smaller subnets of the larger main network.

(B) As per claims 2-4, Aziz teaches wherein the other subnet managers are in a number such that polling of the subnet manager occurs without causing the master subnet manager to fail (Aziz; col. 16, lines 36-44), wherein polling response times for the set of subnet managers are identified and used in the master subnet election (Aziz; col. 16, lines 45-57), and wherein each of the number of subnet managers participate in the master election using a state machine (Aziz; col. 16, lines 45-57).

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(C) As per claim 5, Aziz teaches wherein the identification is received from a user (Aziz; col. 5, lines 34-55).

(D) As per claim 6, Aziz teaches wherein the network computing system is a system area network (Aziz; col. 13, lines 19-52).

(E) As per claim 7, Aziz teaches a method for initializing a network manager in a network computing system, the method comprising:

determining whether the network manager is enabled (Aziz; col. 16, lines 16-26);

determining an expected polling response time for the network manager (Aziz; col. 16, lines 16-26 and 45-57);

responsive to the network manager being enabled, polling other network managers for priority and status information (Aziz; col. 16, lines 28-35);

determining whether the network manager is to become a master network manager using priority information returned from other network managers (Aziz; col. 16, lines 28-35); and

responsive to another network manager in the network computing system having a higher priority than the network manager in the priority information, placing the network manager in a standby mode (Aziz; col. 17, lines 8-22).

Aziz fails to expressly teach wherein the network managers are subnet managers.

However, this feature is old and well known in the art, as evidenced by Kakemizu's teachings with regards to the use of subnet managers (Kakemizu; col. 3, lines 19-55). It is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the

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invention was made, to expand the system taught by Aziz with Kakemizu's teaching with regards to this limitation, with the motivation of enabling the efficient managing of smaller subnets of the larger main network.

(F) As per claim 8, Aziz teaches wherein the process is a subnet manager selection state machine (Aziz; col. 16, lines 45-57).

(G) As per claim 9, Aziz teaches a network computing system comprising:
a plurality of network managers connected to a network, wherein a number of the network managers are enabled to participate in an election process to elect a master network manager and wherein network managers other than the number of network managers are in a standby mode such that the master network manager is polled by a remaining number of network managers within the number of network managers without overwhelming the master network manager with polling requests (Aziz; col. 3, lines 35-46, col. 15, line 66-col. 16, line 14 and col. 16, lines 36-57).

Aziz fails to expressly teach a plurality of devices within a subnet linked together within the subnet via switches and wherein the network managers are subnet managers. However, this feature is old and well known in the art, as evidenced by Kakemizu's teachings with regards to the use of subnet managers (Kakemizu; col. 2, lines 1-26 and col. 3, lines 19-55). It is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the system taught by Aziz with Kakemizu's

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teaching with regards to this limitation, with the motivation of enabling the efficient managing of smaller subnets of the larger main network.

(H) System claims 10-15 repeat the subject matter of method claims 1 and 9, 2, 3, 4, and 5, respectively, as a set of apparatus elements rather than a series of steps. As the underlying processes of claims 1-5 and 9 have been shown to be fully disclosed by the teachings of Aziz and Kakemizu in the above rejections of claims 1-5 and 9, it is readily apparent that the system disclosed by Aziz and Kakemizu include the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claims 1-5 and 9, and incorporated herein.

(I) System claims 16-17 repeat the subject matter of method claims 7-8, respectively, as a set of apparatus elements rather than a series of steps. As the underlying processes of claims 7-8 have been shown to be fully disclosed by the teachings of Aziz and Kakemizu in the above rejections of claims 7-8, it is readily apparent that the system disclosed by Aziz and Kakemizu include the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claims 7-8, and incorporated herein.

(J) Claims 18-19 differ from apparatus claims 10 and 16 by reciting a “computer program product in a computer readable medium...” in the preamble. As per this limitation, Aziz’s system is implemented on a computer (Aziz; col. 5, lines 34-43). As such, Aziz implicitly includes

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computer elements such as a programmed computer readable medium. The remainder of claims 18-19 repeat the limitations of claim 10 and 16, and are therefore rejected for the same reasons given above for claim 10 and 16.

(K) Claim 20 differs from claim 1 by reciting the following limitations: “ a bus system; a channel adapter unit connected to a system area fabric; a memory connected to the bus system, wherein the memory includes a set of instructions; and a processing unit connected to the bus system.” As per these limitations, Aziz teaches a bus system (Aziz; col. 25, lines 12-28), a channel adapter unit connected to a system area fabric (Aziz; col. 13, lines 19-36 and col. 25, lines 12-28), a memory connected to the bus system, wherein the memory includes a set of instructions (Aziz; col. 25, lines 12-28), and a processing unit connected to the bus system (Aziz; col. 25, lines 12-28). The remaining limitations repeat the limitations of claim 1 and are therefore rejected for the same reasons given above in the rejection of claim 1 and incorporated herein.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches an inter-network connecting system (4,185,741); a dynamic master handover scheme for wireless computer network (6,434,113); a network link controller for dynamic designation of master nodes (5,552,066); a method and system for sharing information between network managers (5,758,083); and an automatic consolidation for network participating devices (6,343,320).

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milan S Kapadia whose telephone number is 703-305-3887. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


mk

January 7, 2004


DAVID WILEY
SUPERVISORY PATENT EXAMINER
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